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Government of Kerala
1979

Reg No KL/TV.12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXIV] Trivandrum, Wednesday, 19th September 1979 / 28th Bhadra 1901 (Saka) [No. 660

GOVERNMENT OF KERALA

Public Works (D) Department

DECLARATIONS

(1)

No. 33364/D3/79/P W. *Dated, Trivandrum, 14th September* 1979.

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution, the President has, in his notification No. 2/4/63/Jdl./II dated 31-5-1963 entrusted the Government of Kerala, with their consent, the functions of the Central Government, under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), in relation to acquisition of lands for the purpose of the Union in the Kerala State.

And whereas the Government of Kerala are satisfied after considering the report made by the Collector under subsection (2) of section 5 of the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), that the lands specified in the Schedule below have to be acquired for a public purpose.

The Government of Kerala hereby declare under section 6 of the Act that the lands specified in the schedule below and measuring 7 ares 09 sq. m. be the same a little more or less are needed for a public purpose, to wit for improvements to the road from Vettimurichakotta to Manacaud and under section 7 of the Act direct the Special Tahsildar, L. A. N. H., Kazhakkuttom to take order for the acquisition of the lands.

33/3393. B

A plan of the lands is kept in the Office of the Special Tahsildar, L.A.N.H., Kazhakkuttom and may be inspected at any time during office hours.

ഭരണഘടന 258-ാം വകുപ്പ് (1)-ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങൾ വിനിയോഗിച്ച് രാഷ്ട്രപതി യൂണിയന്റെ ആവശ്യത്തിനായി കേരള സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ചിടത്തോളം 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962 ലെ 21-ാം ആക്റ്റ്) പ്രകാരം കേന്ദ്ര ഗവൺമെന്റിന്റെ പ്രവൃത്തികൾ തന്റെ 31-5-1963-ാം തീയതിയിലെ 2/4/63/Jdl. II-ാം നമ്പർ പരസ്യപ്രകാരം കേരളഗവൺമെന്റിനെ, ആ ഗവൺമെന്റിന്റെ സമ്മതത്തോടുകൂടി ഭരമേൽപ്പിച്ചിരിക്കയാലും;

1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്റ്റ് (1962-ലെ 21-ാം ആക്റ്റ്) 5-ാം വകുപ്പ് (2)-ാം ഉപ വകുപ്പ് പ്രകാരം കളക്ടർ സമർപ്പിച്ച റിപ്പോർട്ട് പരിഗണിച്ചതിൽ, താഴെ കാണിച്ചിരിക്കുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമി ഒരു പൊതുക്കാര്യത്തിന് വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് കേരള ഗവൺമെന്റിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

കേരളാ ഗവൺമെന്റ് താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും, 7 ആർ 09 ച. മീറ്റർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി, അത് അത്രതന്നെയോ അതിലൽപ്പം കൂടുതലോ, കുറവോ ആയിരുന്നാലും വേണ്ടതില്ല ഒരു പൊതുകാര്യത്തിന്, അതായത് വെട്ടിമുറിച്ചകോട്ട മുതൽ മണക്കാടുവരെയുള്ള റോഡിന്റെ വികസനത്തിന് ആവശ്യമുണ്ടെന്ന് ആക്റ്റ് 6-ാം വകുപ്പുപ്രകാരം ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിപ്പാൻ ആക്റ്റ് 7-ാം വകുപ്പുപ്രകാരം കഴക്കൂട്ടം നാഷണൽ ഹൈവേ സ്പെഷ്യൽ തഹശീൽദാർ എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ കഴക്കൂട്ടം നാഷണൽ ഹൈവേ സ്പെഷ്യൽ തഹശീൽദാർ എന്ന ആളുടെ ആഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ആഫീസ് സമയത്ത് എപ്പോഴെങ്കിലും അത് പരിശോധിക്കുകയും ചെയ്യാം.

SCHEDULE

District—Trivandrum.

Taluk—Trivandrum. Village —Muttathara.

(The extent given is approximate)

Sl. No.	*Sy. No.*	*Subdivision No.*	*Description*	*Extent*	
				Are.	*Sq. M.*
1	6	311,2	Dry	00	25
2	7	3	,,	00	30
3	29	3	,,	00	15
4	30	2	,,	00	45
5	31	2	,,	00	81
6	32	2	,,	00	71
7	33	6	,,	01	36
8	33	3	,,	00	50
9	33	2	,,	00	55

Sl. No.	Sy. No.	Subdivision No.	Description	Extent Are.	Sq. M.
10	34	2	Dry	00	40
11	35	3	,,	00	45
12	45	B3	,,	00	90
13	46	B2	,,	00	25
14	47	1	,,	00	01
			Total	07	09

(2)

No. 34942/D1/79/PW. *Dated, Trivandrum,* 17*th September* 1979.

Whereas in exercise of the powers conferred by clause (1) of Article 258 of the Constitution the President has, in his Notification No. 2/4/63 Judl. II dated 31-5-1963 entrusted the Government of Kerala, with their consent, the functions of the Central Government under the Kerala Land Acquisition Act, 1961 (Act 21 of 1962), in relation to acquisition of lands for the purpose of the Union in this State;

And whereas under subsection (4) of Section 19 of the said Act the Government of Kerala have directed that in view of the urgency of the case, the provisions of section 5 of the Act shall not apply to the lands specified in the Schedule below;

And whereas the Government are satisfied that the said lands have to be acquired for a public purpose;

The Government of Kerala hereby declare under Section 6 of the Act that the lands specified in the Schedule below and measuring 0.4946 Hectare be the same a little more or less, are needed for a public purpose, to wit, for the development of N.H. 47 Chalakudy Bye pass No. 14 and under section 7 of the Act direct the Special Tahsildar, L.A.N.H. Trichur to take order for the acquisition of the lands. Further, under subsection (1) of section 19 of the Act the Government direct that the Collector may take possession of the lands on the expiry of fifteen days from the date of publication of the notice mentioned in subsection (1) of section 9 of the Act.

A plan of the lands is kept in the office of the Special Tahsildar, L.A.N.H. Trichur and may be inspected at any time during office hours.

ഭരണഘടന 258-ാം വകുപ്പ് (1)-ാം ഖണ്ഡത്താൽ നൽകപ്പെട്ട അധികാരങ്ങ വിനിയോഗിച്ച് രാഷ്ട്രപതി, യൂണിയന്റെ ആവശ്യത്തിനായി ഈ സംസ്ഥാനത്ത് ഭൂമി വിലയ്ക്കെടുക്കുന്നത് സംബന്ധിച്ചിടത്തോളം 1961-ലെ കേരള സ്ഥലമെടുപ്പ് ആക്ററ് (1962-ലെ 21-ാം ആക്ററ്) പ്രകാരം കേന്ദ്ര ഗവൺമെൻറിന്റെ പ്രവൃത്തികൾ തന്റെ 31-5-1963-ാം തീയതിയിലെ 2/4/63/Judl. II നമ്പർ പരസ്യ പ്രകാരം കേരള ഗവൺമെൻറിനെ, ആ ഗവൺമെൻറിന്റെ സമ്മതത്തോടുകൂടി, രേമേൽപ്പിച്ചിരിക്കയാലും;

പ്രസ്തുത ആക്ററ് 19-ാം വകുപ്പ് (4)-ാം ഉപവകുപ്പുപ്രകാരം കേരള ഗവൺമെൻറ് പ്രസ്തുത സംഗതിയുടെ അടിയന്തിരസ്ഥിതി പരിഗണിച്ച്, ആക്ററ് 5-ാം വകുപ്പിലെ വ്യവസ്ഥകൾ താഴെ പട്ടികയിൽ വിവരിച്ചിട്ടുള്ള ഭൂമിക്കു ബാധകമല്ലെന്ന് നിർദ്ദേശിച്ചിരിക്കുകയാലും;

പ്രസ്തുത ഭൂമി ഒരു പൊതുക്കാര്യത്തിനായി വിലയ്ക്കെടുക്കേണ്ടതാണെന്ന് ഗവൺമെൻറിന് ബോദ്ധ്യപ്പെട്ടിരിക്കുന്നതിനാലും;

കേരള ഗവൺമെൻറ് താഴെ കാണുന്ന പട്ടികയിൽ വിവരിച്ചിട്ടുള്ളതും 0 4946 ഹെക്ടാർ വിസ്തീർണ്ണമുള്ളതുമായ ഭൂമി, അത് അത്ര തന്നെയൊ, അതിൽ അൽപ്പം കുറവോ കൂടുതലോ ആയിരുന്നാലും വേണ്ടതില്ല, ഒരു പൊതുക്കാര്യത്തിന് അതായത് 47-ാം നമ്പർ നാഷണൽ ഹൈവേ ചാലക്കുടി ബൈപാസ് ബ്ലോക്ക് നമ്പർ 14 വികസിപ്പിക്കുന്നതിന് ആവശ്യമാണെന്ന് ആക്ററ് 6-ാം വകുപ്പുപ്രകാരം ഇതിനാൽ പ്രഖ്യാപിക്കുകയും, ആ ഭൂമി വിലയ്ക്കെടുക്കുന്നതിനുള്ള ഉത്തരവ് സ്വീകരിപ്പാൻ ആക്ട് 7-ാം വകുപ്പുപ്രകാരം നാഷണൽ ഹൈവേ ലാൻറ് അക്വിസിഷൻ സ്പെഷ്യൽ തഹശീൽദാർ എന്ന ആളോട് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു. ആക്ട് 9-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പിൽ പറഞ്ഞിരിക്കുന്ന നോട്ടീസ് പ്രസിദ്ധപ്പെടുത്തുന്ന തീയതി മുതൽ 15 ദിവസം കഴിഞ്ഞാൽ കളക്ടർക്ക് ആ ഭൂമി കൈവശപ്പെടുത്താവുന്നതാണെന്നും കൂടി ആക്ട് 19-ാം വകുപ്പ് (1)-ാം ഉപവകുപ്പുപ്രകാരം ഗവൺമെൻറ് നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

സ്ഥലത്തിന്റെ പ്ലാൻ നാഷണൽ ഹൈവേ സ്പെഷ്യൽ തഹശീൽദാർ എന്ന ആളുടെ ഓഫീസിൽ സൂക്ഷിച്ചിട്ടുണ്ട്. ഓഫീസ് സമയത്ത് എപ്പോഴെങ്കിലും അത് പരിശോധിക്കുകയും ചെയ്യാം.

SCHEDULE

District—Trichur. Taluk—Mukundapuram.

Village—Perambra.

(The extent given is approximate)

Sl. No.	*Survey No.*	*Description*	*Extent in Hectare*
1	362/2	Wet (now dry)	0.0260
2	363/1	Dry	0.0445
	363/3-4	,,	0.0360
	364/1-7	,,	0.1230
	364/2-8	,,	0.0320

Reg. No. KL/TV/18

KERALA GAZETTE

EXTRAORDINARY

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GOVERNMENT OF KERALA

Election Department

NOTIFICATION

No. 6140/EL1/79/Elec. *Dated, Trivandrum, 19th September,* 1979.

Notification No. 56/79 (7) dated the 10 September 1979 of the Election Commission of India is hereby published.

By order,

J. S. Jesudhasan,

Special Secretary (Home) & Chief Electoral Officer.

ELECTION COMMISSION OF INDIA

NOTIFICATION

New Delhi, Dated, the 10 *September,* 1979/
Bhadra 19, 1901 (*Saka*).

No. 56/79 (7).—WHEREAS by its order dated the 10th September, 1979, the Election Commission, in exercise of the powers conferred on it by Article 324 of the Constitution read with rules 5 and 10 of the Conduct of Elections Rules, 1961, paragraphs 3, 6, 7, 8 and 18 of the Election Symbols (Reservation and Allotment) Order, 1968 and all other powers enabling it in this behalf, has decided to recognise "Sikkim Congress (R)" as a State party and to reserve the symbol 'Rising Sun' to it;

33/3399/MC

AND WHEREAS as a consequence of the said order the symbol 'Rising Sun' hitherto included in the list of free symbols for the State of Sikkim shall have to be deleted from the said list of free symbols;

NOW, THEREFORE, in pursuance of clauses (b) and (d) of sub-paragraph (1) and sub-paragraph (2) of Paragraph 17 of the Elections Symbols (Reservation and Allotment) Order, 1968, the Commission hereby makes the following amendments in its notification No. 56/78 dated 25th January, 1978 published as S.O. 40 (E) in the Gazette of India, Extraordinary, Part II, Section 3(ii), dated the 25th January, 1978, and as amended from time to time, namely:

(i) in Table 2 appended to the said notification, *for* the existing entries in columns 1, 2 and 3 relating to the State of Sikkim, the following entries shall be *substituted*, namely:—

"Sikkim	1. Sikkim Scheduled Castes League	Chepcha
	2. Sikkim Congress (R)	Rising Sun";

(ii) in Table 3 appended to the said notification, against item No. 18-Sikkim in Column 1, the entry "6. Rising Sun" in Column 2 shall be deleted and entries 7 to 16 in the said column 2 shall be renumbered as 6 to 15.

By order,

(Sd.)

K. GANESAN,

Secretary to the Election Commission of India.

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1979

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KERALA GAZETTE

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GOVERNMENT OF KERALA

Health (G) Department

NOTIFICATIONS

(i)

No. 38203/G3/79/HD. *Dated, Trivandrum, 14th September,* 1979.

S. R. O. No. 1059/79.—In exercise of the powers conferred by sub-section (I) of section 9 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954) and in supersession of Notification No. 52125/G3/73-2/HD(i) dated the 28th January, 1974 published as S. R. O. No. 107/74 in Part I of the Kerala Gazette No. 7 dated the 12th February, 1974, the Government of Kerala hereby appoint Shri K. T. Mathukutty, Health Inspector, Grade I in Palai Municipality to be Food Inspector for the purposes of the said Act and assign to him the area within the Palai Municipality as the local area within which he shall exercise his powers under the said Act.

(ii)

S. R. O. No. 1060/79.—In exercise of the powers conferred by sub-section (1) of section 20 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954) and in supersession of Notification No. 52125/G3/73-2/HD (ii) dated the 26th January, 1974 published as S.R.O. No. 107/74 in Part I

of the Kerala Gazette No. 7 dated the 12th February, 1974, the Kerala Government hereby authorise Shri K. T. Mathukutty appointed as Food Inspector under sub-section (1) of section 9 of the Act in the area of Palai Municipality to institute prosecutions for offences under the said Act.

By order of the Governor,

M. DANDAPANI,

Special Secretary.

Explanatory Note

(This does not form part of the notification but is intended to indicate its general purport).

Shri K. T. Mathukutty has been posted as Food Inspector in the Palai Municipality. It is necessary to appoint him as Food Inspector under Prevention of Food Adulteration Act and to authorise him to institute prosecution for offences under the Act. The notifications are for the above purpose.

Fifth Kerala Legislative Assembly

Bill No. 122

THE INDUSTRIAL DISPUTES (KERALA AMENDMENT) BILL, 1979

A

BILL

further to amend the Industrial Disputes Act, 1947, *in its application to the State of Kerala.*

Preamble.—WHEREAS it is expedient further to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947), in its application to the State of Kerala, for the purposes hereinafter appearing;

BE it enacted in the Thirtieth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Industrial Disputes (Kerala Amendment) Act, 1979.

(2) It extends to the whole of the State of Kerala.

2. *Insertion of new section* 10*B.*—After section 10A of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"10B. *Power to issue orders regarding terms and conditions of service pending settlement of disputes.*—(1) Where an industrial dispute has been referred by the State Government to a Labour Court or Tribunal under sub-section (1) of section 10 and if, in the opinion of that Government, it is necessary or expedient so to do for securing the public safety or convenience or the maintenance of public order or supplies and services essential to the life of the community or for maintaining employment or industrial peace in the establishment concerning which such reference has been made, it may, by general or special order, make provision—

(a) for requiring employers or workmen or both to observe such terms and conditions of employment as may be specified in the order or as may be determined in accordance with the order, including payment of money by the employer to any person who is or has been a workman;

(b) for requiring any public utility service not to close or remain closed and to work or continue to work on such terms and conditions as may be specified in the order; and

2/3425/MC.

(c) for any incidental or supplementary matters which appear to it to be necessary or expedient for the purposes of the order:

Provided that no order made under this sub-section shall require any employer to observe terms and conditions of employment less favourable to the workmen than those which were applicable to them at any time within three months immediately preceding the date of the order.

Explanation.—For the purposes of this sub-section, "public utility service" means—

(i) any section of an industrial establishment on the working of which the safety of the establishment or the workmen employed therein depends;

(ii) any industry which supplies power, light or water to the public;

(iii) any industry which has been declared by the State Government to be a public utility service for the purposes of this Act.

(2) An order made under sub-section (1) shall cease to operate on the expiry of a period of six months from the date of the order or on the date of the award of the Labour Court or the Tribunal, as the case may be, whichever is earlier.

(3) Any money paid by an employer to any person in pursuance of any order under sub-section (1) may be deducted by that employer from out of any monetary benefit to which such person becomes entitled under the provisions of any award passed by the Labour Court or the Tribunal, as the case may be.".

3. *Insertion of new section 29A.*—After section 29 of the principal Act, the following section shall be inserted, namely:—

"29A. *Penalty for failure to comply with an order issued under section 10B.*—Any person who fails to comply with any provision contained in any order made under sub-section (1) of section 10B, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year and with fine.".

4. *Repeal and saving.*—(1) The Industrial Disputes (Kerala Amendment) Ordinance, 1979 (11 of 1979), is hereby repealed.

(2) Notwithstanding such repeal anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 30th day of July, 1979.

STATEMENT OF OBJECTS AND REASONS

The State Government have been finding that in a number of industrial disputes the conciliation machinery is helpless to effect any settlement of the

disputes because of the non-cooperation of the employers concerned. In such cases, even if the disputes are referred for adjudication to the Labour Court or Tribunal, the workmen may be put to serious disadvantage as they will not get any relief till the adjudicating authority gives its award. In view of this position Government were often placed in very embarrassing situation in that they had to refer certain disputes for adjudication to prohibit the continuance of strikes or lock-outs, but Government could not give any interim relief to workmen in such cases as there was no provision enabling them to do so. With a view to tide over such situations, it was considered necessary to amend the Industrial Disputes Act, 1947 (Central Act 14 of 1947), in its application to the State of Kerala, for giving some interim benefits to the workers pending the award of the adjudicating authority, where an industrial dispute has been referred for adjudication.

2. As the Legislative Assembly was not in session and as the matter could not wait till the next session of the Legislative Assembly, the Industrial Disputes (Kerala Amendment) Ordinance, 1979 (11 of 1979) was promulgated by the Governor on the 27th day of July, 1979. The Bill seeks to replace the Ordinance by an Act of the State Legislature.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Section 10B of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) proposed to be inserted by clause 2 of the Bill seeks to empower the State Government to issue general or special orders in cases where industrial disputes have been referred by the State Government to Labour Courts or Tribunals, for requiring employers or workmen or both to observe such terms and conditions of employment as may be specified in the order or as may be determined in accordance with the order, for requiring any public utility service not to close or remain closed and to work or continue to work on such terms and conditions as may be specified in the order and for any incidental or supplementary matters which appears to it to be necessary or expedient for the purposes of the order.

2. The power proposed to be conferred on the State Government is of an administrative nature. The delegation of legislative power is therefore of a normal character.

M. K. RAGHAVAN